

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

GARY BRICE MCBAY

PLAINTIFF

VERSUS

CAUSE NO.: 1:07cv1205-LG-RHW

HARRISON COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

**DEFENDANT GEORGE PAYNE'S RESPONSES  
TO PLAINTIFF'S REQUESTS FOR ADMISSIONS**

COMES NOW Defendant George Payne, Jr., in his Official Capacity, by and through his attorneys, Dukes, Dukes, Keating & Faneca, P.A., pursuant to the Federal Rules of Civil Procedure, and produces this his Responses to Plaintiff's Request for Admissions, as follows, to wit:

Defendant reserves his right to supplement these Responses as investigation and discovery continue.

**REQUESTS FOR ADMISSIONS**

**REQUEST NO. 1:** With reference to **Exhibit "A"** attached hereto, admit that the persons listed as being on duty on November 6, 2005 were present at the Harrison County Adult Detention Center on November 6, 2005.

**RESPONSE:** According to the Officer's time sheets, it is admitted that each person identified on the Post Assignment Sheet for shift 1900-0200, for November 6, 2005, did work and was present at the Harrison County Adult Detention. Please see the individual time sheets attached cumulatively as **Exhibit "1"**.

**REQUEST NO. 2:** With reference to **Exhibit "A"** attached hereto, admit that the persons listed as off duty on November 6, 2005 were not present at the Harrison County Adult Detention Center on November 6, 2005.

**RESPONSE:** According to the Officer's time sheets, it is admitted that each person listed under "Annual Leave/Sick Leave" and "Day Off" on the Post Assignment Sheet, Shift 1900-0200, dated November 6, 2005, did not work. However, to the extent Plaintiff is seeking an answer as to whether those individuals were even present at the Harrison County Adult Detention Center on the date in question, Defendant Payne is without sufficient information or belief to either admit or deny such request. Please see the individual time sheets attached cumulatively as **Exhibit "2"**.

RESPECTFULLY SUBMITTED, this the 18<sup>th</sup> day of September, 2009.

**GEORGE PAYNE, JR., DEFENDANT**

BY: **DUKES, DUKES, KEATING & FANECA, P.A.**

BY: *s/Cy Faneca*  
CY FANECA

*Cy Faneca* *HB*

Cy Faneca, MSB #5128

Joe Gewin MSB #8851

Haley Broom MSB #101838

**DUKES, DUKES, KEATING AND FANECA, P.A.**

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**CERTIFICATE OF SERVICE**

I, CY FANECA, do hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Counsel for Plaintiff  
Robert G. Harenski  
P.O. Box 4961  
Biloxi, MS 39535

Brown Buchanan, PA  
796 Vieux Marche, Suite 1  
Biloxi, MS 39530

Counsel for Harrison County:

Karen Jobe Young  
MEADOWS LAW FIRM  
P. O. Box 1076  
Gulfport , MS 39502

1.  
This, the 18<sup>th</sup> day of September, 2009.

*s/Cy Faneca*  
CY FANECA

*Cy Faneca 1/3*

## Harrington County Adult Detention Facility

George Payne, Jr., Sheriff

Post Assignment

Shift: 1900-0700

Date: 11-06-05

A-Floor	Booking	A-Block Headcount
Barnes #215	Sgt. Mathis #157	Lamey #175
	Rhodes #192	
A-Floor	Thompson #224	
Lamey #175	Windham #226	
Booking Control	Booking Control	B-Block Headcount
	Stover #308	F.T.O. Foster #230
B-Floor	Perimeter	C-Block Headcount
Kocke #576	Jaspers #199	F.T.O. Priest #288
B-Floor	Medical Security	
F.T.O. Foster #230	Boney #208	
Intake Watch B/Floor	Front Desk	D-Block Headcount
Greer #191	Beal #264	Pettway #225
Lockdown Unit B/Floor	Williams #561	
	Rate #735 P/T	
Juvenile Unit B/Floor	Receptionist	F.T.O. Allen #243
Orstalid #249	Glazier #734 P/T	
C-Floor	Shift Supervisor	Drongowski #247 Medical Watch
Nicholson #262	Sgt. Thomas #160	Pettway #225 D-Floor
C-Floor	Secondary Supervisor	
F.T.O. Priest #288		
	Annual/Sick Leaves	Day Off
D-Floor	Sgt. Collins #153 A/L	Sgt. Caldwell #152
Celentano #578	Heiken #254 Called In Sick	Sgt. Leonard #156
		F.T.O. Hester #252
D-Floor		Bennett #190
Pettway #225		Alfonso #259
F.T.O. Allen #243		Tippetts #257
Medical Watch	Response Team	Richards #171
Drongowski #247	Sgt. Thomas #160	Moore #282
F.T.O. Blankinship #303	F.T.O. Priest #288	Rankin #174
Central Control	F.T.O. Allen #243	Lacour #231
Cornett #204	Pettway #225	McLain #255
Rover	Payne #317	Roberson #326
Payne #317		Hubbard #241
Hall Escort		Lacson #580
		White #562
		Spivey #553
		Adamson #197 P/T
		Barnes #183
		Lorenzo #278
		Teel #329
		Stolze #251

Security Personnel on duty: 24  
 Part-time Personnel on duty: 102  
 Total Personnel on duty: 126

EXHIBIT

A

Name: Ryan Tee #329

01 15 2005

APPROVED: I hereby certify these hours as recorded are true and correct

Area of Assignment: CorrectionsReporting Period: October 31<sup>st</sup>, 05 November 13<sup>th</sup>, 05  
BEGINNING ENDING

IMMEDIATE SUPERVISOR

REVIEWED: Riley  
DIVISION SUPERVISOR

I hereby certify these hours, as recorded, are true and correct:

RT #329

EMPLOYEE'S SIGNATURE

RECORDED: \_\_\_\_\_  
TIME CLERK

DATE	DAY	WORK CODE	TIME IN	MEAL IN OUT	TIME OUT	TIME IN	TIME OUT	TOTAL HRS. WORKED
10-31	1/Mon	W						
11-01	2/Tues	D						
11-02	3/Wed	W	1900		0715			12.25
11-03	4/Thur	W	1900		0730			12.50
11-04	5/Fri	W	1900		0730			12.50
11-05	6/Sat	W	1900		0400			9.0
11-06	7/Sun	D						
11-07	8/Mon	D						
11-08	9/Tues	D						
11-09	10/Wed	W	1900		0715			12.25
11-10	11/Thur	W	1900		0730			12.50
11-11	12/Fri	W	1900		0730			12.50
11-12	13/Sat	W	1900		0745			12.75
11-13	14/Sun	D						

TOTALS		
CODE	HOURS	DAYS
W	96.25	8
D	0.0	6
A		
S		
X		
U		
H		
M		
C		

CODE W-Worked  
D-Day Off  
A-Personal Leave  
S-Major Medical Leave\*  
X-Administrative Leave  
U-Unexcused Absence  
H-Holiday  
M-Military Leave  
C-Compensatory

\*Major Medical Leave is granted ONLY after one (1) day of Personal Leave is used. The fourth day of major medical leave must be accompanied by a doctor's certificate.

SUMMARY OF HOURS	
Hrs. Enf.	_____
Hrs. Trng.	_____
Hrs. Crt.	_____

FOR PERSONAL USE ONLY	
HRS. WORKED....	96.25
PLSA.....	86
	10.35
X 1.5	15.38
Compensatory Earned.....	15.38

86 Reg.  
8 Ho  
23.38  
10.35 OT  
X 1.5  
15.38  
11/30/05